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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,200	07/18/2003	Gavriel Lavi	P81103-30D179	4036

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EXAMINER

MACARTHUR, VICTOR L

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/622,200

Applicant(s)

LAVI ET AL.

Examiner

Victor MacArthur

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 26-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 26-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Election*

Applicant's election without traverse of Species I, figures 3A, 3B in the paper filed on 6/1/2004 is acknowledged.

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following features must be shown or canceled from the claims:

- "first threaded shaft that extends through the length of the lower portion" (lines 3-4 of claims 4 and 13)
- "second threaded shaft that extends at least partially through the length of the upper portion" (lines 5-6 of claims 4 and 13)
- "retractable belt" (line 2 of claims 7, 11 and 32)
- "[permanent connection]" (line 8 of claim 26)
- "rope" (line 2 of claim 30)
- "rigid railing" (line 2 of claim 31)

No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended.

The figure or figure number of an amended drawing should not be labeled as "amended." If a

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drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). The specification should be amended to clearly point out which drawing elements, if any, correspond to the following claim features:

- "first threaded shaft that extends through the length of the lower portion" (lines 3-4 of claims 4 and 13)
- "second threaded shaft that extends at least partially through the length of the upper portion" (lines 5-6 of claims 4 and 13)

*Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 4, 5 and 13 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification and drawings do not describe or show a threaded shaft that extends through the length of the lower portion and another threaded shaft that extends through the length of the upper portion as recited in claims 4 and 13.

Accordingly, for purposes of examining the instant application, claims 4, 5 and 13 have been rejected in light of the specification and drawings, as best understood by the examiner.

*Claim Objections*

Claim 8 is objected to because of the following informalities:

- The phrase "said lower portion defining a second axial opening" (lines 12-13 of claim 8) should be replaced with the phrase "said lower and upper portions defining a second axial opening" in view of the limitation "extending through both the lower portion and at least partially through the upper portion" (13-14 of claim 8) since the drawings show that the opening defined by the lower portion does not extend through the upper portion.

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Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 6, 8, 9 and 26-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Hansen U.S. Pub.20030110716.

Claim 1. Hansen discloses a crowd control stanchion, comprising: a base (26); an elongated post (20) having a hollow bottom portion (portion of 20 receiving 17) and being selectively coupled to the base; and an insert (17, 12) selectively coupling the base to the post, the insert including a lower portion (12) having a top surface (surface of 12 contacting 17) and an upper portion (17) having a bottom surface (surface of 17 contacting 12), wherein: the upper portion is disposed within the hollow bottom portion of the post; the lower portion is removably connected to the base; the top and bottom surfaces are inclined at complementary angles so as to mate with one another; and the upper portion is selectively moveable radially outward relative to the lower portion, so as to exert radial pressure on the inside wall of the post.

Claim 2. Hansen discloses that the base has a generally arcuate shape and defines a first axial opening (portion of 26 receiving 12) through an upper surface thereof, the axial opening being configured to receive the lower portion of the insert.

Claim 6. Hansen discloses that the insert is generally cylindrical and the post is generally elongated and cylindrical.

Claim 8. Hansen discloses (figs.1-4) a crowd control device, comprising: a base (26) defining a first axial opening (28 and portion of 26 receiving 12) on a top surface of the base that extends therethrough; an elongated, generally cylindrical post (20) having a hollow bottom portion (portion of 20 receiving 17), the post being coupled (via 12) to the base; a bolting mechanism (14); and a generally cylindrical insert (17, 12) selectively coupling the base to the post, the insert including a lower portion (12) and an upper portion (17), wherein: the upper portion is disposed within the hollow bottom portion of the post; the lower portion is removably connected to the base and at least partially disposed within the first axial opening of the base, the lower and upper portions defining a second axial opening (portions of 12 and 17 receiving 14) configured to engage with the bolting mechanism and extending through both the lower portion and at least partially through the upper portion of the insert; and the lower portion and upper portion are movable with respect to one another such that, when the bolting mechanism and the second axial opening are fully engaged, the upper portion is radially offset from the lower portion, thereby exerting radial pressure upon an inside wall of the post.

Claim 9. Hansen discloses that the lower portion has a top surface (surface of 12 contacting 17) and the upper portion has a bottom surface (surface of 17 contacting 12), the top and bottom surfaces being inclined at complementary angles so as to mate with one another.

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Claim 26. Hansen discloses (figs. 1-4) a crowd control stanchion, comprising: a base (26); an elongated post (20) having a hollow bottom portion (portion of 20 receiving 17) and being selectively coupled to the base; and an insert (17, 12) selectively coupling the base to the post, the insert including a lower portion (12) having a top surface (surface of 12 contacting 17) and an upper portion (17) having a bottom surface (surface of 17 contacting 12), wherein: the upper portion is disposed within the hollow bottom portion of the post; the lower portion is permanently (via nails, p.3, para.35) connected to the base; the top and bottom surfaces are inclined at complementary angles so as to mate with one another; and the upper portion is selectively moveable radially outward relative to the lower portion, so as to exert radial pressure on the inside wall of the post.

Claim 27. Hansen discloses that the base is flat (on bottom surface of 26).

Claim 28. Hansen discloses that the base is sloped (sloped portions of the sides of 26).

Claim 29. Hansen discloses that the base is generally arcuate (about the circumference of 26).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7, 8, 11-13, 26 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oster U.S. Patent 4844420 in view of Hansen U.S. Pub.20030110716.



Claim 1. Oster discloses (fig.1) a crowd control stanchion comprising: an elongated post (22) with a hollow bottom portion (bottom portion of 22). Oster does not state how the post is supported. Hansen teaches (figs.1-4) an elongated post (20) with a hollow bottom portion (portion of 20 receiving 17) supported by a base (26); the elongate post being selectively coupled to the base; and an insert (17, 12) selectively coupling the base to the post, the insert including a lower portion (12) having a top surface (surface of 12 contacting 17) and an upper portion (17) having a bottom surface (surface of 17 contacting 12), wherein: the upper portion is disposed within the hollow bottom portion of the post; the lower portion is removably connected to the base; the top and bottom surfaces are inclined at complementary angles so as to mate with one another; and the upper portion is selectively moveable radially outward relative to the lower portion, so as to exert radial pressure on the inside wall of the post. Hansen states (para.0035) that supporting a post in this manner results in a secure, noise-free assembly. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the Oster post to be supported by a base, as taught by Hansen, for the purpose of supporting the post in a secure noise-free manner.

Claim 7. Oster discloses that the post further includes means for dispensing a retractable belt for joining a plurality of stanchions to form a system of joined stanchions.

Claim 8. Oster discloses (fig.1) a crowd control stanchion comprising: an elongated post (22) with a hollow bottom portion (bottom portion of 22). Oster does not state how the post is supported. Hansen discloses (figs.1-4) a crowd control device, comprising: a base (26) defining a first axial opening (28 and portion of 26 receiving 12) on a top surface of the base that extends therethrough; an elongated, generally cylindrical post (20) having a hollow bottom portion

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(portion of 20 receiving 17), the post being coupled (via 12) to the base; a bolting mechanism (14); and a generally cylindrical insert (17, 12) selectively coupling the base to the post, the insert including a lower portion (12) and an upper portion (17), wherein: the upper portion is disposed within the hollow bottom portion of the post; the lower portion is removably connected to the base and at least partially disposed within the first axial opening of the base, the lower and upper portions defining a second axial opening (portions of 12 and 17 receiving 14) configured to engage with the bolting mechanism and extending through both the lower portion and at least partially through the upper portion of the insert; and the lower portion and upper portion are movable with respect to one another such that, when the bolting mechanism and the second axial opening are fully engaged, the upper portion is radially offset from the lower portion, thereby exerting radial pressure upon an inside wall of the post. Hansen states (para.0035) that supporting a post in this manner results in a secure, noise-free assembly. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the Oster post to be supported by a base, as taught by Hansen, for the purpose of supporting the post in a secure noise-free manner.

Claim 11. Oster discloses that the post further includes means for dispensing a retractable belt for joining a plurality of stanchions to form a system of joined stanchions.

Claim 12. See rejection of claim 11 above.

Claim 13. Hansen discloses a bolting mechanism (14) wherein: the bolting mechanism selectively engages the upper and lower portions such that when fully engaged, the upper portion is radially offset with respect to the lower portion.

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Claim 26. Oster discloses (fig.1) a crowd control stanchion comprising: an elongated post (22) with a hollow bottom portion (bottom portion of 22). Oster does not state how the post is supported. Hansen teaches (figs.1-4) an elongated post (20) with a hollow bottom portion (portion of 20 receiving 17) supported by a base (26); the elongate post being selectively coupled to the base; and an insert (17, 12) selectively coupling the base to the post, the insert including a lower portion (12) having a top surface (surface of 12 contacting 17) and an upper portion (17) having a bottom surface (surface of 17 contacting 12), wherein: the upper portion is disposed within the hollow bottom portion of the post; the lower portion is permanently (via nails, p.3, para.35) to the base; the top and bottom surfaces are inclined at complementary angles so as to mate with one another; and the upper portion is selectively moveable radially outward relative to the lower portion, so as to exert radial pressure on the inside wall of the post. Hansen states (para.0035) that supporting a post in this manner results in a secure, noise-free assembly. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the Oster post to be supported by a base, as taught by Hansen, for the purpose of supporting the post in a secure noise-free manner.

Claim 30. Oster discloses a means (16) for attaching a rope for joining a plurality of stanchions.

Claim 31. Oster discloses a means (22) for attaching rigid railing for joining a plurality of stanchions.

Claim 32. Oster discloses that the post further includes means (12) for dispensing a retractable belt for joining a plurality of stanchions to form a system of joined stanchions.

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Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen U.S. Pub.20030110716 in view of Boone U.S. Patent 3902818.

Claims 3. Hansen does not disclose that the lower portion is threaded. Boone teaches (fig.9) a lower portion (80) that is partially threaded wherein a first axial opening (portion of 20A receiving 80) of a base (20A) has a threaded wall (wall of 20A receiving 80) configured to mate with the threaded lower portion of the insert. The threads increase the forces necessary to remove the lower portion from the base thus strengthening the lower portion/base connection. Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the Hansen lower portion to be threaded, as taught by Boone, for the purpose of strengthening the lower portion/base connection.

Claim 4. Hansen discloses a bolting mechanism (14) wherein: the bolting mechanism selectively engages the upper and lower portions such that when fully engaged, the upper portion is radially offset with respect to the lower portion.

Claim 5. Hansen discloses that the first axial opening extends downwardly partially through the base; and an underside of the base defines a second axial opening (28) therethrough, the second axial opening being smaller in diameter than the first axial opening, extending upwardly so as to be in communication with the first axial opening, and configured to accept (in that it is a hole capable of accepting a bolt) the bolting mechanism.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oster U.S. Patent 4844420 in view of Hansen U.S. Pub.20030110716, as applied to claim 8 above, and further in view of Boone U.S. Patent 3902818.

Claim 10. Hansen does not teach that the lower portion is threaded. Boone teaches (fig.9) a lower portion (80) that is partially threaded wherein a first axial opening (portion of 20A receiving 80) of a base (20A) has a threaded wall (wall of 20A receiving 80) configured to mate with the threaded lower portion of the insert. The threads increase the forces necessary to remove the lower portion from the base thus strengthening the base/lower portion connection. Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the Hansen lower portion to be threaded, as taught by Boone, for the purpose of strengthening the base/lower portion connection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Referring to crowd control stanchions:

Carey U.S. Patent Des.343690


Salman U.S. Patent 6457895


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (703) 305-5701. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306.

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— Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
VLM  
July 1, 2004

  
GREGORY J. BINDA  
PRIMARY EXAMINER